



STATE OF IDAHO

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July 30, 1990

DIVISION OF ENVIRONMENTAL QUALITY
DEPARTMENT OF HEALTH AND WELFARE
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Robert L. Graham
Jenner & Block
One IBM PLaza
Chicago, Illinois 60611

Re: Avery Landing

Dear Mr. Graham:

Thank you for your response to my letter dated July 9, 1990. In an attempt to resolve this matter short of litigation, I have collected the following information in response to your request of July 18, 1990.

1. The Department first became aware of the contamination in late 1987 or early 1988. Apparently a fisherman notified the Department sometime in this time frame when he discovered contamination in the St. Joe River. The Department visited the site on June 30, 1988 and on several earlier dates to confirm the contamination. With respect to when the contamination manifested itself, please note that the Avery Landing site is a remote site located in a very sparsely populated part of Idaho.

2. There is no simple answer to your question regarding the source of the contamination. There were aboveground storage tanks and underground lines that went to a roundhouse/storage facility. The contamination is thought to have come from the area of the aboveground storage tanks, the underground piping, and/or the area of the roundhouse. Regardless of the exact source of the contamination, it is clear it was created by the railroad. I have included a report from the state's hydrogeologist regarding his visit to the site in 1988 that includes his comments regarding the possible sources of contamination. I have also enclosed a report we received from Potlatch which details some of the testing done by Potlatch at the site.

With respect to the source of the contamination, I would think CMC would have more information than the Department regarding the leaks or spillage on the property. If CMC does have any relevant records, we would appreciate it if you would send those to us.

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3. The report of the state hydrogeologist and the report from Potlatch should answer your questions regarding the surface condition of the property. Apparently some of the surface areas were fairly saturated with fuel. The groundwater apparently also has been contaminated. The combination of the contaminated groundwater and surface area has resulted in the discharge of fuel into the St. Joe River that is the basis of the Department's claim.

I hope this information answers your questions. If not, please give me a call. The Department would like to have the cleanup started as soon as possible. Therefore, we would appreciate a response to this letter by August 6, 1990.

Yours very truly,



Douglas M. Conde
Deputy Attorney General

DMC/pg

cc: Cathy Chertudi
Paul Jehn
Ed Tulloch
Mike McNichols

Enclosures